

Appendix D: Legal Compliance

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The following laws and executive orders apply to planning, land acquisition and management on national wildlife refuges:

Rivers and Harbor Act (1899) (33 U.S.C. 403): Section 10 of this Act requires the authorization by the U.S. Army Corps of Engineers prior to any work in, on, over, or under a navigable water of the United States.

Antiquities Act (1906): Authorizes the scientific investigation of antiquities on Federal land and provides penalties for unauthorized removal of objects taken or collected without a permit.

Migratory Bird Treaty Act (1918): Designates the protection of migratory birds as a Federal responsibility. This Act enables the setting of seasons, and other regulations including the closing of areas, Federal or non-Federal, to the hunting of migratory birds.

Migratory Bird Conservation Act (1929): Establishes procedures for acquisition by purchase, rental, or gift of areas approved by the Migratory Bird Conservation Commission.

Fish and Wildlife Coordination Act (1934) as amended: Requires that the Fish and Wildlife Service and State fish and wildlife agencies be consulted whenever water is to be impounded, diverted or modified under a Federal permit or license. The Service and State agency recommend measures to prevent the loss of biological resources, or to mitigate or compensate for the damage. The project proponent must take biological resource values into account and adopt justifiable protection measures to obtain maximum overall project benefits. A 1958 amendment added provisions to recognize the vital contribution of wildlife resources to the Nation and to require equal consideration and coordination of wildlife conservation with other water resources development programs. It also authorized the Secretary of Interior to provide public fishing areas and accept donations of lands and funds.

Migratory Bird Hunting and Conservation Stamp Act (1934): Authorized the opening of part of a refuge to waterfowl hunting.

Historic Sites, Buildings and Antiquities Act (1935) as amended: Declares it a national policy to preserve historic sites and objects of national significance, including those located on refuges. Provides procedures for designation, acquisition, administration, and protection of such sites.

Refuge Revenue Sharing Act (1935) as amended: This act requires revenue sharing provisions to all fee-title ownerships that are administered solely or primarily by the Secretary through the Service.

Transfer of Certain Real Property for Wildlife Conservation Purposes Act (1948): Provides that upon a determination by the Administrator of the General Services Administration, real property no longer needed by a Federal agency can be transferred without reimbursement to the Secretary of Interior if the land has particular value for migratory birds, or to a State agency for other wildlife conservation purposes.

Fish and Wildlife Act (1956): Established a comprehensive national fish and wildlife policy and broadened the authority for acquisition and development of refuges.

Refuge Recreation Act (1962): Allows the use of refuges for recreation when such uses are compatible with the refuge's primary purposes and when sufficient funds are available to manage the uses.

Wilderness Act (1964) as amended: Directed the Secretary of Interior, within 10 years, to review every roadless area of 5,000 or more acres and every roadless island (regardless of size) within National Wildlife Refuge and National Park Systems and to recommend to the President the suitability of each such area or island for inclusion in the National Wilderness Preservation System, with final decisions made by Congress. The Secretary of Agriculture was directed to study and recommend suitable areas in the National Forest System.

Land and Water Conservation Fund Act (1965): Uses the receipts from the sale of surplus Federal land, outer continental shelf oil and gas sales, and other sources for land acquisition under several authorities.

National Wildlife Refuge System Administration Act (1966) as amended by the National Wildlife Refuge System Improvement Act (1997) 16 U.S.C. 668dd-668ee. (Refuge Administration Act): Defines the National Wildlife Refuge System and authorizes the Secretary to permit any use of a refuge provided such use is compatible with the major purposes for which the refuge was established. The Refuge Improvement Act clearly defines a unifying mission for the Refuge System; establishes the legitimacy and appropriateness of the six priority public uses (hunting, fishing, wildlife observation and photography, or environmental education and interpretation); establishes a formal process for determining compatibility; established the responsibilities of the Secretary of Interior for managing and protecting the System; and requires a Comprehensive Conservation Plan for each refuge by the year 2012. This Act amended portions of the Refuge Recreation Act and National Wildlife Refuge System Administration Act of 1966.

National Historic Preservation Act (1966) as amended: Establishes as policy that the Federal Government is to provide leadership in the preservation of the nation's prehistoric and historic resources.

National Wildlife Refuge System Improvement Act of 1997: Considered the "Organic Act" of the National Wildlife Refuge System. The Act defines the mission of the System, designates priority wildlife-dependent public uses and calls for comprehensive refuge planning.

Architectural Barriers Act (1968): Requires federally owned, leased, or funded buildings and facilities to be accessible to persons with disabilities.

National Environmental Policy Act (1969): Requires the disclosure of the environmental impacts of any major Federal action significantly affecting the quality of the human environment.

Uniform Relocation and Assistance and Real Property Acquisition Policies Act (1970) as amended: This Act provides for uniform and equitable treatment of persons who sell their homes, businesses, or farms to the Service. The Act requires that any purchase offer be no less than the fair market value of the property.

Endangered Species Act (1973): Requires all Federal agencies to carry out programs for the conservation of endangered and threatened species.

Rehabilitation Act (1973): Requires programmatic accessibility in addition to physical accessibility for all facilities and programs funded by the Federal government to ensure that anybody can participate in any program.

Archaeological and Historic Preservation Act (1974): Directs the preservation of historic and archaeological data in Federal construction projects.

Clean Water Act (1977): Requires consultation with the Corps of Engineers (404 permits) for major wetland modifications.

Surface Mining Control and Reclamation Act (1977) as amended (Public Law 95-87) (SMCRA): Regulates surface mining activities and reclamation of coal-mined lands. Further regulates the coal industry by designating certain areas as unsuitable for coal mining operations.

Executive Order 11988 (1977): Each Federal agency shall provide leadership and take action to reduce the risk of flood loss and minimize the impact of floods on human safety, and preserve the natural and beneficial values served by the floodplains.

Executive Order 11990. E.O. 11990 directs Federal agencies to (1) minimize destruction, loss, or degradation of wetlands and (2) preserve and enhance the natural and beneficial values of wetlands when a practical alternative exists.

Executive Order 12372 (Intergovernmental Review of Federal Programs): In compliance, the Service will send copies of the Environmental Assessment to Iowa State Planning Agencies for review.

American Indian Religious Freedom Act (1978): Directs agencies to consult with native traditional religious leaders to determine appropriate policy changes necessary to protect and preserve Native American religious cultural rights and practices.

Fish and Wildlife Improvement Act (1978): This act was passed to improve the administration of fish and wildlife programs and amends several earlier laws including the Refuge Recreation Act, the National Wildlife Refuge System Administration Act, and the Fish and Wildlife Act of 1956. It authorizes the Secretary to accept gifts and bequests of real and personal property on behalf of the United States. It also authorizes the use of volunteers on Service projects and appropriations to carry out a volunteer program.

Archaeological Resources Protection Act (1979) as amended: Protects materials of archaeological interest from unauthorized removal or destruction and requires Federal managers to develop plans and schedules to locate archaeological resources.

Federal Farmland Protection Policy Act (1981) as amended: The purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Emergency Wetlands Resources Act (1986): The purpose of the Act is “To promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes.”

Federal Noxious Weed Act (1990): Requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other Federal and State agencies.

Native American Graves Protection and Repatriation Act (1990): Requires Federal agencies and museums to inventory, determine ownership of, and repatriate cultural items under their control or possession.

Americans With Disabilities Act (1992): Prohibits discrimination in public accommodations and services.

Federal Records Act of 1950.

Executive Order 13006 Use of Urban Historic Properties.

Executive Order 12898 (1994): Establishes environmental justice as a Federal government priority and directs all Federal agencies to make environmental justice part of their mission. Environmental justice calls for fair distribution of environmental hazards.

Executive Order 12996 Management and General Public Use of the National Wildlife Refuge System (1996): Defines the mission, purpose, and priority public uses of the National Wildlife Refuge System. It also presents four principles to guide management of the System.

Executive Order 13007 Indian Sacred Sites (1996): Directs Federal land management agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, avoid adversely affecting the physical integrity of such sacred sites, and where appropriate, maintain the confidentiality of sacred sites.

National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act (1998): Amends the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

National Trails System Act: Assigns responsibility to the Secretary of Interior and thus the Service to protect the historic and recreational values of congressionally designated National Historic Trail sites.